

**COLUMBUS BOARD OF ZONING APPEALS  
123 WASHINGTON STREET  
COLUMBUS, INDIANA**

The Columbus Board of Zoning Appeals met at 6:30 p.m., January 25, 2005 in the Council Chambers, second floor of City Hall, 123 Washington Street, Columbus, Indiana, for its monthly meeting.

**Members Present:**            **Pat Zeigler, Chairperson; Karen Dugan, Secretary;  
Lou Marr and Dave Bonnell**

**Staff Present:**        **Laura Thayer, Assistant Planning Director; Jeff Bergman,  
Planning Director; Heather Pope, Associate Planner;  
Marcus Hurley, Associate Planner; Brian Thompson, Chief  
Code Enforcement Officer; Stephanie Carr, Code  
Enforcement**

**City Attorney:**    **Alan Whitted**

Pat Zeigler opened the meeting with a brief explanation about the Board and its responsibilities.

Proof of advertising for all cases was confirmed. The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

**ELECTION OF OFFICERS**

Ms. Zeigler began the meeting with the election of officers. Ms. Zeigler explained that in November of 2004, the Board nominated the same officers. She said due to the transfer of one of the officers, they did not presently have a vice president and Mary Ferdon would be filling that position.

Ms. Zeigler said the Board would be as follows:

Patricia Zeigler, Chairman; Mary Ferdon, Vice Chairman; Karen Dugan, Secretary.

Karen Dugan made a motion to approve the Election of Officers for 2005.

Dave Bonnell seconded the motion.

Motion was approved unanimously.

**COLUMBUS BOARD OF ZONING APPEALS**

**JANUARY 25, 2005**

**Page 2**

**DOCKET NO. C/UV-04-02 INDIANA PROPERTIES GROUP, LLC**

**Indiana Properties Group, LLC on behalf of the Bureau of Motor Vehicles, is requesting a Use Variance to allow a commercial office building in an I-1 district (Light Industrial Districts). The property is located on the northeast corner of Middle Road and Arnold Street in Columbus, IN.**

Orwic Johnson appeared on behalf of Indiana Properties Group, LLC requesting this petition be continued so that they can better explore sites within the community.

The Board voted unanimously to continue **C/UV-04-02**.

**DOCKET NO. C/CU-04-12 CHARLES AND CHRISTINE WANICKI**

**Charles and Christine Wanicki are requesting a conditional use permit to allow the operation of an orchard and winery. The property is located approximately one half (.5) miles south of SR 58 on the west side of CR 400 W. Columbus, IN.**

Ms. Dugan asked to be excused from this case, due to the fact that she has a conflict of interest with the petition. Ms. Dugan was excused.

Christine Wanicki stated her name and address, the West side between State Road 58 and County Road 550 South (Lot 1, Wanicki Minor Plat)

Orwic Johnson also appeared along with the petitioner and requested that the Board continue the petition **CU-04-12**.

The Board voted unanimously to continue **C/CU-04-12**.

Ms. Dugan informed the audience that this case would again be presented before the Board on February 22, 2005.

**C/DS-04-14 CHARLES AND CHRISTINE WANICKI**

**Charles and Christine Wanicki are requesting a developmental standard variance to replat a lot without a 10-acre parent tract remainder. The property is located approximately one-half (.5) miles south of SR 58 on the West Side of CR 400 W. Columbus, IN.**

Mr. Hurley stated that a memo had been drafted by Jeff Bergman, Planning Director, which stated the change in interpretation of the provision in the zoning ordinance will no longer require the petitioner to seek variance from the ordinance.

**COLUMBUS BOARD OF ZONING APPEALS**

**JANUARY 25, 2005**

**Page 3**

Based on a request by the applicants, the Staff and Jeff Bergman, conducted a thorough review of the requirements of the Columbus Zoning Ordinance regarding this matter and concluded that there was no need for a variance in this case.

Mr. Hurley said staff recommends that **C/DS-04-14** be dismissed due to lack of jurisdiction and the filing fees paid by the applicants refunded.

The Board voted unanimously to dismiss **C/DS-04-14**.

Ms. Zeigler explained the dismissal to the audience, followed by Mr. Bergman who further explained the reason for dismissal.

**C/CU-04-13 BARTHOLOMEW COUNTY HUMANE SOCIETY  
BY CHERYL ZUCKSCHWERDT**

**Cheryl Zuckschwerdt, on behalf of the Bartholomew County Humane Society, is requesting a conditional use permit to allow the operation of an animal shelter. The property is located just west of CR 250 E. on the south side of CR 200 S. directly across from its current location in Columbus, IN.**

Ted Darnall of Crowder & Darnall and Cheryl Zuckschwerdt stated their names for the record.

Mr. Hurley read the staff report along with the provisional findings of fact into the record. Mr. Hurley read the recommendation and slides were presented. Mr. Hurley stated that not all criteria had been met.

Mr. Darnall and Ms.Zuckschwerdt presented their case.

Mr. Darnall stated they were aware that they did not meet all criteria. Mr. Darnall said that they wanted to be sure the property could be sub-divided and the conditional use approved.

Ms. Marr asked the petitioners why the criteria had not been met before presenting this petition to the Board. She also stated that she would be reluctant to approve this request, when all the conditions had not been met.

Staff had a brief discussion on petitions being presented to the Board without all criteria being met.

Ms. Zeigler opened the meeting to the public.

Gordon Miller spoke in favor of the petition.

## **COLUMBUS BOARD OF ZONING APPEALS**

**JANUARY 25, 2005**

**Page 4**

The meeting was closed to the public.

Mr. Darnall commented that he did not believe it would be difficult to meet the criteria required. Mr. Darnall stated that if the petition was not approved, it could jeopardize their approval from the Plan Commission, and they would need to start over with the filing process.

Ms. Marr asked the petitioners again, why the criteria had not been met.

Mr. Darnall stated that in his opinion his design was adequate and he had not received the report until that afternoon.

Ms. Zeigler asked the petitioners if there would be a problem with continuing the petition until next month, when all criteria had been met.

Mr. Bergman stated that the petition for subdivision was filed sometime in November and that there was a time limit of 120 days.

There was a brief discussion regarding the time frame of the petition.

Lou Marr made a motion to continue **C/CU-04-13**

Karen Dugan seconded the motion and it passed 3-1 with Dave Bonnell abstaining.

### **FINDINGS OF FACT**

The following Findings of Fact were presented to the Board for consideration:

#### **C/CU-04-10 Audrey Blackman**

Karen Dugan made a motion to accept the Findings, seconded by Dave Bonnell and the motion passed unanimously.

### **MINUTES**

Upon a motion made by Lou Marr, seconded by Karen Dugan, the minutes of November 23, 2004 and December 28, 2004 meetings were approved.

### **DISCUSSION ITEMS**

Mr. Hurley discussed some new procedures that the Planning Department would be instituting.

**COLUMBUS BOARD OF ZONING APPEALS**

**JANUARY 25, 2005**

**Page 5**

There being no further business the meeting was adjourned.

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Patricia Zeigler, Chair

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Karen Dugan, Secretary